

SECOND REGULAR SESSION

SENATE BILL NO. 1034

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time January 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4360S.011

AN ACT

To repeal section 407.300, RSMo, and to enact in lieu thereof four new sections relating to scrap metal purchases, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 407.300, RSMo, is repealed and four new sections
2 enacted in lieu thereof, to be known as sections 407.300, 407.301, 407.302, and
3 407.303, to read as follows:

407.300. 1. Every **purchaser or** collector of, or dealer in junk, **scrap**
2 **metal**, or any secondhand property shall keep a register [which shall contain the
3 name and address of the person from whom] **containing a written or**
4 **electronic record for each purchase or trade in which each type of**
5 **metal subject to the provisions of this section is obtained for**
6 **value. There shall be a separate record for each transaction involving**
7 **any copper or aluminum wire [or], cable [is purchased], pipe, tubing, bar,**
8 **ingot, rod, fitting, fastener, or material used for farming purposes as**
9 **"farming" is defined in section 350.010, RSMo, whatever may be the**
10 **condition or length of such [copper wire or cable] metal. The record shall**
11 **contain the following data: A copy of the operator's license or other**
12 **state-issued or federally issued form of photo identification of the**
13 **person from whom the material is obtained; [the residence or place of**
14 **business and driver's license number of such person;] the date, time, and place**
15 **of and a full description of each such purchase or trade including the quantity**
16 **by weight thereof[; and shall permit any peace officer to inspect the register at**
17 **any reasonable time].**

18 2. **The records required under this section shall be maintained**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 for a minimum of twenty-four months from when such material is
20 obtained and shall be available for inspection by any law enforcement
21 officer.

22 3. Anyone convicted of violating this section shall be [fined not less than
23 twenty-five dollars nor more than five hundred dollars, or imprisoned for not less
24 than thirty days nor more than six months, or both] **guilty of a class A**
25 **misdemeanor.**

26 4. This section shall not apply to any of the following
27 transactions:

28 (1) Any transaction for which the total amount paid for all
29 regulated scrap metal purchased or sold does not exceed fifty dollars;

30 (2) Any transaction in which the seller is an established scrap
31 metal dealer that operates a business with a fixed location that can be
32 reasonably identified as a scrap metal dealer;

33 (3) Any transaction for which the seller has an existing business
34 relationship with the scrap metal dealer and is known to the scrap
35 metal dealer making the purchase to be an established business or
36 political subdivision that operates a business with a fixed location that
37 can be reasonably expected to generate regulated scrap metal and can
38 be reasonably identified as such a business; or

39 (4) Any transaction for which the type of metal subject to
40 subsection 1 of this section is a minor part of a larger item, except for
41 equipment used in the generation and transmission of electrical power
42 or telecommunications.

407.301. 1. No scrap metal dealer shall knowingly purchase or
2 possess a metal beer keg, whether damaged or undamaged, or any
3 reasonably recognizable part thereof, on any premises that the dealer
4 uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap metal.

5 2. Anyone who is found guilty of, or pleads guilty to, violating
6 this section shall be guilty of a class A misdemeanor punishable only by
7 fine. Nothing in this section shall be construed to preclude a person
8 violating this section from also being prosecuted for any applicable
9 criminal offense.

407.302. 1. No scrap yard shall purchase any manhole cover or
2 covers, whether broken or unbroken, from anyone other than a person
3 authorized in writing by the utility or other entity from which the
4 manhole cover or covers originated to sell cast iron manhole covers.

5 2. Anyone who is found guilty of, or pleads guilty to, violating
6 this section shall be fined not less than twenty-five dollars nor more
7 than five hundred dollars, or imprisoned for not less than thirty days
8 nor more than six months, or both.

 407.303. Any scrap metal dealer paying out an amount that is
2 fifty dollars or more shall make such payment in the form of a check.

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Unofficial

Bill

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